

EXHIBIT M

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

MISDEMEANOR

Addrian Smith (M 51),

Defendant.

Detective Robert Myers, Shield 2934 of the 1st Precinct Detective Squad, states as follows:

The defendant is charged with:

- | | |
|-------------------|---|
| 1 PL 240.30(1)(a) | Aggravated Harassment in the Second Degree
(defendant #1: 1 count) |
| 2 PL 240.30(2) | Aggravated Harassment in the Second Degree
(defendant #1: 1 count) |
| 3 PL 120.45(1) | Stalking in the Fourth Degree
(defendant #1: 1 count) |
| 4 PL 120.45(3) | Stalking in the Fourth Degree
(defendant #1: 1 count) |

At the times and places described below in the County and State of New York, the defendant, with intent to harass, annoy, threaten and alarm another person, communicated with a person, anonymously and otherwise, by telephone, by telegraph, and by mail, and by transmitting and delivering any other form of written communication, in a manner likely to cause annoyance and alarm; the defendant, with intent to harass, annoy, threaten and alarm another person, made a telephone call with no purpose of legitimate communication; the defendant intentionally and for no legitimate purpose, engaged in a course of conduct directed at a specific person and knew and reasonably should have known that such conduct was likely to cause reasonable fear of material harm to the physical health, safety and property of such person; the defendant intentionally and for no legitimate purpose, engaged in a course of conduct directed at a specific person and knew and reasonably should have known that such conduct was likely to cause such person to reasonably fear that his or her employment, business and career was threatened, where such conduct consisted of appearing, telephoning and initiating communication and contact at such person's place of employment and business, and the defendant was previously clearly informed to cease that conduct.

The factual basis for these charges are as follows:

I am informed by Anita Rogers, of an address known to the District Attorney's

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Office, that between July 17, 2012 and July 3, 2013, she received numerous threatening phone calls and email messages from the defendant. Specifically, I am informed that on or about July 17, 2012, while she was in the County and State of New York, Ms. Rogers received two phone calls from the defendant on her personal cell phone number, in which the defendant identified himself as 'Barrie Smith' and stated in substance to her: "I will track you down. I get to you. I will find out where you are. You are a very strange girl Anita." I am further informed that Ms. Rogers received several additional phone calls and voicemail messages from the defendant on her personal cell phone in which he continued to state in substance: "I will get you." I am further informed that, beginning soon thereafter and continuing through July 3, 2013, Ms. Rogers began receiving phone calls and voicemail messages from the defendant on her work telephone. I am informed that on some of these telephone calls the defendant represented himself as Ms. Rogers' clients or prospective clients. I am informed that Ms. Rogers recognized the defendant's voice on all of the above-described phone calls and voicemail messages as belonging to the defendant.

I am further informed by Ms. Rogers that between July 17, 2012 and July 3, 2013, while she was in the County and State of New York, she received numerous email messages from the defendant, from the email addresses: Adrian@ukconsultants.us and Lizsmithmanager@gmail.com. In one of the above-described emails sent on May 28, 2013 from the email address Lizsmithmanager@gmail.com, the defendant stated in substance: "Perhaps you may take a meeting with Adrian Barrie Smith. He has a few questions for you." I am informed that the defendant continued to call and email Ms. Rogers even after she repeatedly asked him to stop.

I am further informed by Ms. Rogers that on April 17, 2013, while she was inside her office at 77 Mercer Street, in the County and State of New York, she observed the defendant via video surveillance standing outside the door of her office, and she observed the defendant buzz her office and state over the intercom, in substance: "I'm here to get you. You had better let me in now."

I am further informed by Ms. Rogers that all of the above-described conduct caused her to feel threatened and harassed.

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False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.


Detective Robert Myers8-28-13
Date16:45:16
Time

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